

Form NLRB - 501 (3-21)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
12-CA-293359	April 1, 2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Tesla		b. Tel. No. (407)723-5613
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 1051 Sand Lake Rd Orlando, FL 32809	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No.
		g. e-mail
		h. Number of Workers Employed 20
i. Type of Establishment (factory, mine, wholesaler, etc.) Auto repair shop	j. Identify Principal Product or Service Auto repairs	
1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practice(s)) On or about (b) (6), (b) (7)(C), 2022, the Employer discriminated against employee (b) (6), (b) (7)(C) by suspending (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities. On or about (b) (6), (b) (7)(C), 2022, the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities.		

3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) an individual Address: (b) (6), (b) (7)(C) Date: 3/31/22	
Tel. No. (b) (6), (b) (7)(C)	
Office, if any, Cell No.	
Fax No.	
e-mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874



Download
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Mobile App

April 1, 2022

(b) (6), (b) (7)(C)

Re: Tesla
Case 12-CA-293359

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 01, 2022, has been docketed as case number 12-CA-293359. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney Lilyvette Rodriguez Soto whose telephone number is (786)812-7994. The mailing address is 51 SW 1st Ave Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer Shelley B. Plass whose telephone number is (786)812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is written in a cursive, flowing style.

David Cohen
Regional Director



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NATIONAL LABOR RELATIONS BOARD

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April 1, 2022

(b) (6), (b) (7)(C)

Tesla
1051 Sand Lake Rd
Orlando, FL 32809

Re: Tesla
Case 12-CA-293359

Dear (b) (6), (b) (7)(C) :

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is written in a cursive, flowing style.

David Cohen
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 12-CA-293359
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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Form NLRB - 501 (3-21)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

12-CA-293359

06/09/2022

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Tesla		b. Tel. No. (407)723-5613
		c. Cell No.
d. Address (Street, city, state, and ZIP code) 1051 Sand Lake Rd Orlando, FL 32809	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No.
		g. e-mail
		h. Number of Workers Employed 20
i. Type of Establishment (factory, mine, wholesaler, etc.) Auto repair shop	j. Identify Principal Product or Service Auto repairs	

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2022, the Employer discriminated against employee (b) (6), (b) (7)(C) by suspending (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities.

On or about (b) (6), (b) (7)(C) 2022, the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities.

Within the past 6 months, the ER has instructed employees not to discuss wages and other terms and conditions of employment with coworkers.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

(b) (6), (b) (7)(C)

I declare and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C) an individual

(Print/type name and title or office, if any)

Date:

6/8/22

Address: (b) (6), (b) (7)(C)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-mail

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

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Download
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June 10, 2022

(b) (6), (b) (7)(C)

Tesla
1051 Sand Lake Rd
Orlando, FL 32809

Re: Tesla
Case 12-CA-293359

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney John W. Plympton whose telephone number is (813)228-2665. If the agent is not available, you may contact Regional Attorney Christopher Zerby whose telephone number is (813)228-2693.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

David Cohen
Regional Director

Enclosure: Copy of first amended charge

cc: David R. Broderdorf, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave NW
Washington, DC 20004-2541

Lauren Emery, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004-2541



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June 10, 2022

(b) (6), (b) (7)(C)

Re: Tesla
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Dear (b) (6), (b) (7)(C)

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David Cohen
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Tesla, Inc.
and

CASE 12-CA-293359

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Charged Party / Respondent Tesla, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

David R. Broderdorf	
NAME:	_____
MAILING ADDRESS:	1111 Pennsylvania Ave NW, Washington, DC 20004
E-MAIL ADDRESS:	david.broderdorf@morganlewis.com
OFFICE TELEPHONE NUMBER:	202-739-5817
CELL PHONE NUMBER:	_____
FAX:	_____
SIGNATURE:	
DATE:	April 5, 2022

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual _____ and _____

CASE 12-CA-293359

Tesla

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Charged Party / Respondent Tesla, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Lauren Emery
MAILING ADDRESS: 1111 Pennsylvania Avenue, N.W.
Washington DC
E-MAIL ADDRESS: lauren.emery@morganlewis.com
OFFICE TELEPHONE NUMBER: 2027395203
CELL PHONE NUMBER: 8025989807 FAX: 2027393001
SIGNATURE: 
DATE: Tuesday, April 5, 2022 5:17 PM Eastern Standard Time

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874

August 15, 2022

(b) (6), (b) (7)(C)

Re: Tesla
Case 12-CA-293359

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved your request to withdraw the portions of the charge in Case 12-CA-293359 alleging that Tesla (the Employer) suspended you on or about (b) (6), (b) (7)(C) 2022 and discharged you on or about (b) (6), (b) (7)(C) 2022, because you engaged in protected concerted activity and in order to discourage protected concerted activities in violation of Section 8(a)(1) of the Act.

The remaining allegation will be processed further.

Very truly yours,

/s/ David Cohen

David Cohen
Regional Director

cc: David R. Broderdorf, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave NW
Washington, DC 20004-2541

Lauren Emery, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004-2541

(b) (6), (b) (7)(C)

Tesla
1051 Sand Lake Rd
Orlando, FL 32809

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

TESLA, INC.

and

Case 12-CA-293359

(b) (6), (b) (7)(C) an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by **(b) (6), (b) (7)(C)** an individual (the Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Tesla, Inc. (Respondent) violated the Act as described below.

1.

(a) The original charge in Case 12-CA-293359 was filed by the Charging Party on April 1, 2022, and a copy was served on Respondent by U.S. mail on the same date.

(b) The amended charge in Case 12-CA-293359 was filed by the Charging Party on June 9, 2022, and a copy was served on Respondent by U.S. mail on June 10, 2022.

2.

(a) At all material times, Respondent has been a Delaware corporation with its headquarters in Austin Texas, and facilities throughout the United States, including an office and place of business located at 1051 Sand Lake Road in Orlando, Florida (Respondent's Orlando facility), and has been engaged in the design, manufacture, sale, service and repair of electric vehicles and other products.

(b) During the past 12 months, Respondent, in conducting its operations as described in paragraph 2(a), derived gross revenues in excess of \$500,000.


(c) During the past 12 months, Respondent, in conducting its operations as described in paragraph 2(a), purchased and received goods at Respondent's Orlando facility valued in excess of \$50,000 directly from points located outside the State of Florida.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)



4.

On a date in (b) (6), (b) (7)(C) 2021, a more precise date being currently unknown to the undersigned, Respondent, by (b) (6), (b) (7)(C) at Respondent's Orlando facility,:

(a) Told employees not to discuss their pay with other persons.

(b) Told employees not to complain to higher level managers about their pay or other terms and conditions of employment, notwithstanding Respondent's "open door" policy.

5.

On or about (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) at Respondent's Orlando facility:

(a) Told employees not to discuss the hiring of employees with other persons.

(b) Told employees not to complain to higher level managers about employees' terms and conditions of employment, notwithstanding Respondent's "open door" policy.

6.

On or about (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) at Respondent's Orlando facility, told employees not to discuss the suspension of an employee with other persons.

7.

On or about (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) by telephone, told employees not to discuss an employee discharge with other persons.

8.

By the conduct described above in paragraphs 4(a), 4(b), 5(a), 5(b), 6 and 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

9.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The filed answer must be **received by**

this office on or before 11:59 p.m. on September 16, 2022. Respondent also must serve a copy of the answer on each of the other parties.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, the answer must be filed electronically through the Agency's website unless Respondent is unable to file electronically, and accompanies the filing of its answer in paper format with a statement explaining why it does not have access to the means for filing electronically or why filing electronically would impose an undue burden. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations.

The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **December 6, 2022**, at **9:30 a.m.**, at the **NLRB Hearing Room, 201 E. Kennedy Blvd., Suite 530, Tampa, Florida**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: September 2, 2022.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, Florida 33602-5824

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 12-CA-293359

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)
Tesla, Inc.
1051 Sand Lake Rd
Orlando, FL 32809

David R. Broderdorf, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004-2541

Lauren Emery, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004-2541

(b) (6), (b) (7)(C)

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

TESLA, INC.

and

Case

12-CA-293359

(b) (6), (b) (7)(C) an Individual

RESPONDENT TESLA, INC.'S ANSWER TO COMPLAINT

Pursuant to Sections 102.20 and 102.21 of the Rules and Regulations of the National Labor Relations Board (“NLRB” or “Board”), Tesla, Inc. (“Respondent”), through its undersigned counsel, submits the following answer to the Complaint and Notice of Hearing (“Complaint”) according to the Complaint’s numbered paragraphs. To the extent the Complaint’s introduction contains allegations and legal conclusions, they are denied.

Tesla respectfully contends the Complaint should be dismissed in its entirety on the grounds that the allegations asserted have no basis in law or fact. This matter arises from Tesla’s prudent decision to terminate the Charging Party, (b) (6), (b) (7)(C), for (b) (6), (b) (7)(C) a fellow co-worker. (b) (6), (b) (7)(C) conduct was contrary to Tesla’s respectful work environment and violated Tesla policy. Simply put, (b) (6), (b) (7)(C) conduct fell far below Tesla’s minimum standard of excellence.

Nonetheless, (b) (6), (b) (7)(C) turned to the NLRB for relief and claimed Tesla discharged (b) (6), (b) (7)(C) in violation of the National Labor Relations Act (“NLRA” or “Act”). After the Region’s investigation into (b) (6), (b) (7)(C) claims, those allegations were withdrawn, with the Region’s approval, on August 15, 2022. Instead of closing the matter, the Region pursued new and

different claims against Tesla and chose to file this Complaint, which challenges purported verbal statements that played no role in (b) (6), (b) (7)(C) termination.

By way of further answer, the Complaint allegations are procedurally defective and lack merit. Only one Complaint allegation – involving a purported verbal statement by (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) and/or other employees should not discuss wages with coworkers – was alleged in (b) (6), (b) (7)(C) amended charge, filed more than two months after the original charge. There is also no basis for this allegation, which is contrary to Tesla’s written Open Floor policy (providing that “[e]mployees have the right to freely discuss their wages, benefits and terms and conditions of employment, and to raise complaints internally or externally”), and Tesla’s voluntary repudiation of the statement under *Passavant Mem’l Area Hosp.*, 237 NLRB 138 (1978). The Region’s decision to issue the Complaint ignores this evidence and law, which Tesla provided to the Region.

The remaining Complaint allegations are procedurally improper because they were not the subject of (b) (6), (b) (7)(C) original charge or amended charge – or any timely-filed unfair labor practice charge at all. And these allegations too lack merit. For the reasons that follow, and summarized in Tesla’s affirmative defenses, Tesla respectfully requests that the Administrative Law Judge and NLRB dismiss the allegations in their entirety.

Tesla further answers the allegations set forth in the numbered paragraphs of the Complaint, as follows:

1. (a) Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1(a) of the Complaint and therefore denies them, except to admit that Respondent received a copy of the charge in Case 12-CA-293359.

(b) Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1(b) of the Complaint and therefore denies them, except to admit that Respondent received a copy of the amended charge in Case 12-CA-293359.

2. (a) Admitted.

(b) Admitted.

(c) Admitted.

(d) Admitted.

3. Paragraph 3 of the Complaint sets forth legal conclusions to which no response is necessary. To the extent a response is required, Respondent admits that the individuals listed in Paragraph 3 of the Complaint have been supervisors of the Respondent within the meaning of Section 2(11) of the Act and agents of the Respondent within the meaning of Section 2(13) of the Act, with the following correction:

- (b) (6), (b) (7)(C) current job title is (b) (6), (b) (7)(C). At the times underlying the Complaint allegations, (b) (6), (b) (7)(C) job title was (b) (6), (b) (7)(C).
- (b) (6), (b) (7)(C) job title has been (b) (6), (b) (7)(C).

4. (a) Admitted, but the allegation is subject to a Section 10(b) affirmative defense as well as Tesla's voluntary repudiation under *Passavant* as addressed in the affirmative defenses that follow.

(b) Denied.

5. (a) Denied.

(b) Denied.

6. Denied.

7. Denied.

8. This paragraph states a legal conclusion to which no answer is required. To the extent a response is required, the allegations are denied.

9. This paragraph states a legal conclusion to which no answer is required. To the extent a response is required, the allegations are denied.

Any and all remaining allegations contained in the Complaint are denied.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.

2. The alleged conduct described in Paragraphs 4(a) and 4(b) of the Complaint is time-barred by Section 10(b) of the Act because the allegations were not the subject of a timely-filed and served charge.

3. Even if the alleged conduct described in Paragraph 4(a) had been the subject of a timely-filed charge, the alleged conduct has been resolved because it was voluntarily repudiated by Respondent, and Respondent took steps to communicate and effectuate that repudiation. *See Passavant Mem'l Area Hosp.*, 237 NLRB 138 (1978).

4. The alleged conduct in the Complaint, other than Paragraph 4(a), has not been the subject of *any* filed charge as required by Section 10(b) of the Act. Neither the original charge nor the amended charge sufficiently reference the allegations described in Paragraphs 4(b), 5(a), 5(b), 6, and 7.

5. The Complaint also violates Respondent's due process rights in that the Region never informed Respondent about the allegations in Paragraphs 5(a), 6, and 7 before issuing the Complaint containing these allegations.

6. All of the Complaint allegations involve purported verbal statements that directly conflict with Respondent's undisputed written "Open Floor" policy, which provides that

“Employees have the right to freely discuss their wages, benefits and terms and conditions of employment, and to raise complaints internally or externally. Tesla encourages you to bring any concerns or complaints you may have to any member of management.” The facts alleged in the Complaint cannot constitute any unfair labor practice within the meaning of Section 8(a)(1) of the Act because Respondent’s clear written policy effectively eliminates any hypothetical interference, restraint, or coercion of employees in the exercise of rights guaranteed in Section 7 of the Act based on purported conflicting verbal statements.

7. Respondent further reserves the right to amend and/or supplement its answers and affirmative defenses.

WHEREFORE, Respondent respectfully requests that the Complaint be dismissed in its entirety, with prejudice.

Dated: September 16, 2022

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

David R. Broderdorf
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 739-5817
david.broderdorf@morganlewis.com

Lauren Emery
110 North Wacker Drive, 29th Floor
Chicago, IL 60606
Phone: (312) 324-1147
lauren.emery@morganlewis.com


Counsel for Tesla, Inc.

CERTIFICATE OF SERVICE

I certify that on September 16, 2022, a copy of Respondent Tesla, Inc.'s Answer to the Complaint in NLRB Case 12-CA-293359 was filed electronically using the NLRB's e-filing system and served by email on the following:

John W. Plympton
Field Attorney
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824
John.Plympton@nrlrb.gov

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering several lines of text.

/s/ Lauren Emery

Lauren Emery

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

TESLA, INC.

and

Case

12-CA-293359

(b) (6), (b) (7)(C), an Individual

**RESPONDENT TESLA, INC.'S
MOTION TO POSTPONE THE HEARING**

Pursuant to Section 102.16(a) of the Rules and Regulations of the National Labor Relations Board, Respondent Tesla, Inc. moves to postpone the hearing in the above-referenced matter. In support of this motion, Respondent states the following:

1. The Administrative Law Judge (“ALJ”) hearing is currently scheduled for December 6, 2022. Respondent requests that the hearing be postponed until Thursday, January 19, 2023 and/or Friday, January 20, 2023.
2. Respondent is making this request because the undersigned attorney, lead counsel for Respondent in this matter, has a significant, prescheduled arbitration hearing on December 7, 2022 in Bath, Maine, which will require pre-hearing preparation and travel that is not feasible with the ALJ hearing scheduled on December 6, 2022 (whether conducted in-person or via Zoom). The ALJ hearing also may require a second day of hearing, which would then directly conflict with the December 7, 2022 arbitration.
3. Lead counsel’s December 7, 2022 arbitration was scheduled and confirmed before the Complaint and Notice of Hearing issued in this case on September 2, 2022. Respondent will be substantially prejudiced in presenting its case if its lead counsel is not able to appear to represent Respondent at the hearing. There is no corresponding prejudice to the General

Counsel or Charging Party with a postponement based on the nature of the Complaint's Section 8(a)(1) verbal statement allegations.

4. Respondent's counsel has conferred with Counsel for the General Counsel about this request. Counsel for the General Counsel does not oppose Respondent's request to postpone the hearing to Thursday, January 19, 2023 and/or Friday, January 20, 2023. Counsel for the General Counsel has also indicated the Charging Party does not oppose Respondent's request to postpone the hearing to Thursday, January 19, 2023 and/or Friday, January 20, 2023.

Dated: October 24, 2022

Respectfully submitted,

By: /s/ David R. Broderdorf

David R. Broderdorf
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004-2541
Phone: (202) 739-5817
david.broderdorf@morganlewis.com


Counsel for Tesla, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2022, a copy of Respondent Tesla, Inc.'s Motion to Postpone the Hearing in NLRB Case 12-CA-293359 was filed electronically using the NLRB's e-filing system and served by email on the following:

Steven Barclay
Field Attorney, Region 12
National Labor Relations Board
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824
Steven.Barclay@nlrb.gov

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering several lines of text.

/s/ Lauren M. Emery
Lauren M. Emery
MORGAN, LEWIS & BOCKIUS LLP
110 North Wacker Drive, 29th Floor
Chicago, IL 60606-1511
Phone: (312) 324-1147
lauren.emery@morganlewis.com

Counsel for Tesla, Inc.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

TESLA, INC.

and

Case 12-CA-293359

(b) (6), (b) (7)(C) an Individual

ORDER RESCHEDULING HEARING

IT IS ORDERED that the hearing in the above-entitled matter, previously scheduled to be held on December 6, 2022, at 9:30 a.m., is rescheduled to **February 7, 2023**, at **9:30 a.m.**, at the **National Labor Relations Board, Hearing Room, 201 E. Kennedy Blvd., Suite 530, Tampa, Florida**, and on consecutive days thereafter until concluded.

Dated: November 8, 2022.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602